

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK DAVID HARRISON,
Petitioner,
v.
D. BREWER,
Respondent.

No. 2:22-cv-1020 KJM CKD P

ORDER

Petitioner, a federal prisoner proceeding pro se, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 25, 2022, the magistrate judge filed findings and recommendations, which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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1”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed July 25, 2022, are adopted in full.
5 2. Petitioner’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 is denied
6 without prejudice to petitioner filing a motion under 28 U.S.C. § 2255 in the United States
7 District Court for the Middle District of Florida.
8 3. Petitioner’s August 3, 2022 “Motion for Release Pending Adjudication” is denied.
9 4. The clerk of court is direct to close this case.

10 DATED: October 30, 2022.

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12 CHIEF UNITED STATES DISTRICT JUDGE
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